

**MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN
CITY OF BRANSON, MISSOURI, FEBRUARY 23, 2004**

The Board of Aldermen of the City of Branson, Missouri met in regular session in the Council Chambers of the City Hall on February 23, 2004 at 7:00 p.m. with the following members present:

Mayor Pro Tem Huff presiding, Dick Gass, Stan Barker, Beverly Martin, David Edie, and Jack Purvis present. Mayor Lou Schaefer absent.

Also present were City Administrator Terry Dody, Assistant City Administrator Kevin Faught, City Attorney Dan Wichmer City Clerk Sandra Williams, Assistant City Attorney Russ Dempsey Director of Engineering David Miller, Director of Public Works Larry VanGilder, Fire Dept. Carl Sparks, Director of Communications Jerry Adams, Finance Director Deanna Schlegel, Director of Planning and Zoning Don Stephens, Parks Director Cindy Shook, Director of Economic Development Mike Rankin, and Director of Health Linn Smith.

Mayor Pro Tem Huff called the meeting to order with the "Pledge of Allegiance" and Larry VanGilder gave the invocation.

Mayor Pro Tem Huff asked for any additions or corrections to the Minutes of the Board of Aldermen meeting and public comments meeting of February 9, 2004. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the Minutes stated. Alderman Barker moved to approve the Minutes as presented, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**APPROVAL
OF MINUTES**

CONSENT AGENDA:

Mayor Pro Tem Huff then asked City Clerk Williams to read the items being considered on the Consent Agenda. City Clerk Williams read the following Consent Agenda items by title:

Receipt of the minutes of the Branson Park Board meeting of January 20, 2004 was acknowledged within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**ACKNOWLEDGEMENT
OF MINUTES**

Final reading of Bill No. 2809, an ordinance approving an agreement for Appraisal Services between the Reed & Associates Inc. and the City of Branson, and authorizing the

**BILL NO. 2809
AGREEMENT
REED & ASSOCIATES**

Mayor to enter into the agreement pertaining to the James F. Epps Road Extension Project was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-030 was duly enacted.

**APPRAISAL SERVICES
EPPS RD. EXTENSION
ORD. NO. 2004-030**

Final reading of Bill No. 2811, an ordinance approving a lease between Skaggs Community Hospital and the City of Branson, and authorizing the Mayor to enter into the agreement, was approved within the Consent Agenda. Voting aye: Gass, Barker, Martin, Edie, and Purvis. Nays: none. Mayor Pro Tem Huff abstained. Motion carried. Ordinance No. 2004-031 was duly enacted.

**BILL NO. 2811
APPROVING
LEASE
SKAGGS COMMUNITY
HOSPITAL
ORD. NO. 2004-031**

Mayor Pro Tem Huff asked for any corrections on the consent Agenda as read. Receiving none, Mayor Pro Tem Huff entertained a motion to approve the Consent Agenda as presented. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

REGULAR AGENDA:

A presentation of the Quarterly Marketing Report by the Branson/Lakes Area Chamber of Commerce was the next item on the Agenda. Ross Summers, Executive Vice President of the Chamber made the presentation. Before beginning his presentation,

**PRESENTATION
QUARTERLY MARKETING
REPORT-CHAMBER
OF COMMERCE**

Mr. Summers introduced the people that were present from the Chamber: Chris Myer, Chairman of the Marketing Advisory Council; and Dan Lennon, Vice President of Marketing and Public Relations. Mr. Summers then addressed the Board stating that some in the travel industry have blamed a weak economy for the lack of a stronger rebound in leisure travel. However, consumer tradeoffs may actually provide a better explanation. Consumer spending priorities have changed. Spending became more home oriented driven by low home mortgage rates and zero percent auto financing. Research showed that fewer families traveled in the summer of 2003, and they reduced their lengths of stay, attended fewer paid area activities, and used hotel pools, area lakes, and outdoor recreation activities. Mr. Summers then presented information regarding the following items: (1) U.S. Travel Performance Indicators; (2) Consumer Confidence Index; (3) U.S. Hotel Room Demand; (4) Performance in Branson; (5) Lodging Statistics; (6) Branson's History of Total Visitation; (7) Visitor Performance Segment; (8) Visitor Composition; (9) First Time Visitors; (10) Age History of Visitors; (11) Distance Visitation; (12) Groups Visiting; (13) Decision Time; (14) Spending; (15) Timeshares; (16) Area of Concerns; and (17) Marketing and Research. Dan Lennon, Vice-President of Marketing and Public Relations for the Chamber, addressed the Board, stating the report was really a report about what happened in 2003, and his intent was to inform the Board on some of the progress that has been made. They have looked at some of the ways they can improve marketing Branson in an efficient and useful way; revising their fulfillment program which

is the program where they send out packets and information for inquirers. They are redesigning and organizing the way to send out requests for approximately the same costs as in the past but instead of three weeks to deliver it will only be one week. They are working on a branding agency who will do research on visitors and non-visitors to determine what they are looking for in a vacation destination, and have sent out 40 RFP's to different agencies and should be getting those back in two weeks. They are doing all media advertising with Camelot Media out of Dallas who have tremendous leverage. Mr. Lennon indicated they have completed their TV commercial and the buy will start on Monday, March 1st. They have received about 10 responses from companies regarding revising their web site and are being reviewed and should have a final firm selected by the first week in March. They have revitalized their travel trade marketing committee who are responsible for bringing groups and conventions to Branson, and are having a major military reunion planner convention in April. Mr. Lennon also indicated that Tom Calahar from Camelot Media will be present at the March 8th Board meeting to present the Chamber's media plan to the Board, and will then present it to the community on March 9th at the Jim Stafford Theatre from 9:00 a.m. After discussion and questions, Mayor Pro Tem Huff then entertained a motion to accept the presentation. Motion was made by Alderman Barker, seconded by Alderwoman Martin. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

Presentation by Berger Devine Yaeger providing an Update of the Phase II Traffic Analysis Study on the downtown area was the next item on the Agenda.

Wayne Whitehead, Principal with Berger Devine Yaeger, a member of The Louis Berger Group, introduced Gary Vandelicht, Project Manager, and Scott Bitterman, Project

Engineer, stating they would be providing an update on the Phase II Traffic Analysis. Mr. Vandelicht reviewed the tasks in the Scope of Services and outlined the status of each task; looked at the final Master Plan for Branson Landing; outlined their railroad crossings report; reviewed how they would proceed with the Comprehensive Branson Landing Phase II Traffic Study; discussed the eight intersection and street improvements that are currently being evaluated, and the proposed alternate routes. After discussion by the Board, Mayor Pro Tem Huff then entertained a motion to accept the presentation. Motion was made by Alderman Barker, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PRESENTATION
BERGER DEVINE
YAEGER
PHASE II - TRAFFIC
ANALYSIS STUDY**

Petition for Consent to Annex property owned by the Empire District Electric Company, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the petition for voluntary annexation. Alderwoman Martin made the motion, seconded by Alderman Purvis.

Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT
TO ANNEX
EMPIRE DISTRICT
ELECTRIC COMPANY**

Petition for Consent to Annex property owned by Cooper Creek Resort and Campground, Inc. and Robert H. &

**PETITION
CONSENT TO ANNEX**

Fritz B. Fletcher, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the petition

**COOPER CREEK
RESORT &
CAMPGROUND**

for voluntary annexation. Alderman Gass made the motion, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**ROBERT H. &
FRITZ B. FLETCHER**

Petition for Consent to Annex property owned by Linda White, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the petition for voluntary annexation. Alderwoman Martin made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT TO ANNEX
LINDA WHITE
RAINBOW SHOALS**

Petition for Consent to Annex property owned by Glenn E. and Jacqueline S. Pyle, Branson, Missouri, was read by title by City Clerk Williams, and Don Stephens provided the staff report. Mayor Pro Tem Huff entertained a motion to accept the petition for voluntary annexation. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Barker, Huff, Edie, and Purvis. Nays: none. Motion carried.

**PETITION
CONSENT TO ANNEX
GLENN E. &
JACQUELINE S. PYLE
CIRCLE**

First reading of Bill No. 2812, an ordinance approving an agreement between the City of Branson and E.T. Archer Corporation for design of Water Line Improvements and a water tower associated with the Branson Landing Development, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No. 2812. Alderman Purvis made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Alderman Gass moved to read the bill a second time by unanimous consent, motion was seconded by Alderman Barker. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2812 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2812. Alderman Purvis made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-032 was duly enacted.

**BILL NO. 2812
AGREEMENT
E.T. ARCHER CORP.
WATER LINE
IMPROVEMENTS
WATER TOWER
ORD. NO. 2004-032**

First reading of Bill No. 2813, an ordinance authorizing the Mayor to execute an amendment to the Professional Services Agreement with Rozell Engineering for the design of

**BILL NO. 2813
AMENDMENT
PROFESSIONAL**

Branson Hills Parkway and the Sanitary Sewer serving the Recreation Center, and authorizing the Mayor to enter into the agreement, was read by title by City Clerk Williams, and David Miller provided the staff report. Mayor Pro Tem Huff Huff entertained a motion to approve the first reading of Bill No. 2813. Alderman Barker made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

**SERVICES AGREEMENT
ROZELL ENGINEERING
DESIGN OF
BRANSON HILLS
PARKWAY &
SANITARY SEWER
RECREATION CTR.**

First reading of Bill No. 2814, an ordinance of the City of Branson, Missouri, authorizing the execution and delivery of an agreement in connection with an area known as Branson Meadows, was read by title by City Clerk Williams, and Dan Wichmer provided the staff report. Mayor Pro Tem Huff entertained a motion to approve the first reading of Bill No.

**BILL NO. 2814
AGREEMENT
CONNECTION
BRANSON MEADOWS
ORDINANCE NO. 2004-033**

2814. Alderwoman Martin made the motion, seconded by Alderman Purvis. Discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Alderman Barker moved to read the bill a second time by emergency to increase revenues in Branson Meadows TIF area, motion was seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. City Clerk Williams read Bill No. 2814 by title again. Mayor Pro Tem Huff entertained a motion to approve the final reading of Bill No. 2814. Alderwoman Martin made the motion, seconded by Alderman Barker. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Ordinance No. 2004-033 was duly enacted.

A resolution acknowledging the Reimbursement No. 15 to HCW for expenses incurred on the Branson Landing Project pursuant to the Technical Services Contract, was read by title by Clerk Williams, and Kevin Faught provided the staff report. Mr. Faught indicated the expenses totaled to \$74,855.45 . Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R005 was adopted.

**RESOLUTION
REIMBURSEMENT
TO HCW
NO. 2004-R005**

A resolution supporting the Local Records Grant Program and approving a Grant Application through the Missouri Secretary of State, was read by title by Clerk Williams, and she also provided the staff report. Mrs. Williams indicated this was a matching grant for microfilming of permanent records with the state providing 70% of the cost, and the City providing 10% of the cost in cash funds and 20% in in-kind work that the personnel in the Archives could do. Mayor Pro Tem Huff entertained a motion to approve the resolution. Alderman Gass made the motion, seconded by Alderman Purvis. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried. Resolution No. 2004-R006 was adopted.

**RESOLUTION
LOCAL RECORDS
GRANT PRGRAM
NO. 2004-R006**

DISBURSEMENTS:

Mayor Pro Tem Huff stated the next item was review of the disbursements, and asked if there were any questions regarding the disbursements. Hearing none, Mayor Pro Tem Huff entertained a motion to approve the disbursements. Alderman Gass made the motion to approve the disbursements as presented, seconded by Alderwoman Martin. No discussion. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: none. Motion carried.

OTHER BUSINESS:

Mayor Pro Tem Huff asked if there was any other business that a member of the Board of Aldermen would like to introduce as an official agenda item for discussion and action by the Board. Hearing none, Mayor Pro Tem Huff opened the floor for Aldermen and Administrator's Reports.

ALDERMEN/ADMINISTRATOR'S REPORTS

Mayor Pro Tem Huff stated that at this time he was going to break from HUFF from tradition lead off because he had something on his mind he wanted to discuss. He indicated he was speaking on his own behalf, but sincerely hoped that his fellow Council men and women shared the same outrage regarding a recent cartoon by John Logan that appeared in the last Wednesday addition of the Branson Independent. Mr. Huff indicated he felt like the cartoon was mean spirited and it clearly crossed over the line into a personal attack on this City Council. It appears that if someone disagrees with John's position or shares another viewpoint on something then they we are liable to wind up as a cartoon character in the newspaper with a dunce cap on our head saying that we are stupid or buffoonish or ignorant and that doesn't set too well with me. Mayor Pro Tem Huff said he was not at all surprised that the Branson Independent would publish that particular cartoon but was surprised that John would produce such a cartoon because he has heard him many times stand up here before us and talk about family and Christian values. He stated he didn't think that it was very Christian to demean and degrade your fellow citizens by portraying them as being some kind of stups with dunce caps on their heads just because they don't agree with your position on something. Mr. Huff said he felt John went way beyond what was fair and that it was a low blow and John owed the Council an apology.

Alderman Gass said, he could do nothing but agree with Aldermen Huff. GASS
He was surprised and he has a good sense of humor but humor stops some place, and this is where it stops. The Board listens every week and they agree to disagree and still be friends, but if John wants to agree to disagree and still be friends, he had better not do this again, because you are not a friend when you do something like this. There are some pretty bright people sitting up here and John has made them all look stupid, and they resent it. We don't do that to you and we don't expect you to do that back to us. We put a lot time in and we work hard up here, and you come up with trashy stuff like this. Alderman Gass said he resents it and was going to let John know it, and not to ever do that to him again.

Alderman Barker added that he was raised in this community with BARKER
an idea of mutual respect and he hoped he had been that way to everybody who has come before this Council. It is important and he didn't think there is anybody that was not worth hearing. Anyone that has a viewpoint should be able to come forward and speak it. We have been very fair and open-minded. Sometimes we have people come forward to speak that don't even live within the City limits of Branson, and we have people come forward and speak that don't even live in Missouri. We have been very gracious and have listened to them all. As a Council we have been respectful to people, and have allowed them to voice their viewpoints and have not pointed fingers or made fun of their viewpoint or taken advantage of our position as Aldermen. You may question my decision, but please don't question my intelligence or my integrity, stated Alderman Barker.

Alderwoman Martin said she concurred with what had been said. MARTIN
She indicated she was appalled by John's behavior and treatment of them. It was very disrespectful to each and every one of them and they didn't deserve it. We deserve respect for the job we are trying to do, and she felt that John owed them an apology.

Alderman Purvis said he was glad there was a decorum policy PURVIS
that doesn't allow someone to stand up and degrade the Board, or that anyone on the Board does that to anyone in the community. He stated he felt that John crossed the line. He realizes that there was freedom of speech in the newspaper, but as a long time friend he felt John crossed over the line. We in this community need to respect each other. We can disagree, but not resort to name calling. Mr. Purvis said he had defended John on many issues, and respects the freedom to have dissention, but did not appreciate the dunce. Further more, he personally had taken a stand on the issue concerning the topic of the cartoon, was against the expansion of liquor in theatres, had said that before and would say it again. "So don't cast everybody with a wide brush," stated Alderman Purvis.

Mayor Pro Tem Huff said he felt they had all stated their public position on this issue, and surely by now everyone ought to know their legal position as they have repeated at least 15 or 20 times.

ADJOURN:

At this time, Mayor Pro Tem Huff entertained a motion to adjourn. Alderman Gass made the motion, seconded by Alderman Purvis. Voting aye: Gass, Barker, Martin, Huff, Edie, and Purvis. Nays: None. Motion carried. Meeting was adjourned at 9:28 p.m.